

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

K.K. et al.,

Plaintiffs,

-v-

NEW YORK CITY DEPARTMENT OF EDUCATION,

Defendant.

23-CV-4430 (JMF)

MEMORANDUM OPINION
AND ORDER ADOPTING
REPORT AND
RECOMMENDATION

JESSE M. FURMAN, United States District Judge:

The Court referred this case, familiarity with which is presumed, to Magistrate Judge Valerie Figueredo for a Report and Recommendation. In an Amended Report and Recommendation filed on August 22, 2024 (the “R&R”), Magistrate Judge Figueredo described the relevant facts and procedural history and recommended that the Court award Plaintiffs \$52,975.26 in attorneys’ fees and \$505.86 in costs (plus post-judgment interest) pursuant to the fee-shifting provisions of the Individuals with Disabilities Education Act (“IDEA”). *See* ECF No. 59 (“R&R”). On August 27, 2024, Plaintiffs timely filed objections to the R&R. *See* ECF No. 60 (“Pls.’ Mem.”). On September 12, 2024 — after receiving a courtesy extension from the Court, *see* ECF No. 61 — Defendant filed a response to Plaintiffs’ objections, *see* ECF No. 62.

In reviewing a Report and Recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). A district court “must determine de novo any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b)(3); *see also United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997). To accept those portions of the report to

which no timely objection has been made, however, a district court need only satisfy itself that there is no clear error on the face of the record. *See, e.g., Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003). This clearly erroneous standard also applies when a party makes only conclusory or general objections, or simply reiterates his or her original arguments. *See, e.g., Ortiz v. Barkley*, 558 F. Supp. 2d 444, 451 (S.D.N.Y. 2008).

Upon review of the parties' papers, the Court overrules Plaintiffs' objections, substantially for the reasons set forth in Defendant's opposition, and adopts Magistrate Judge Figueredo's thorough and well-reasoned R&R in its entirety. In fact, if anything, Magistrate Judge Figueredo was more generous to Plaintiffs than she might have been. *See, e.g., R.P. v. N.Y.C. Dep't of Educ.*, No. 21-CV-4054 (JMF), 2022 WL 1239860, at *3-4 (S.D.N.Y. Apr. 27, 2022) (reducing Plaintiffs' counsel's hourly rates by more than Magistrate Judge Figueredo recommended here); *id.* at *7 (reducing Plaintiffs' counsel's billing for litigation in federal court by thirty percent — versus the twenty-five percent recommended by Magistrate Judge Figueredo here — and citing “recent cases in this district” that had reduced Plaintiffs' counsel's hours by between twenty-five and fifty percent); *see also id.* at *5 (“In recent cases of comparable complexity brought by [Plaintiffs' counsel] in this District, courts have generally reduced CLF's hours spent on administrative proceedings by about [twenty percent].”).¹ Of course, the Court need not and does not decide whether Magistrate Judge Figueredo was overly generous to Plaintiffs, as Defendant did not file objections of its own to the R&R. It suffices to say that Plaintiffs are not entitled to more than what Magistrate Judge Figueredo recommended.

¹ Plaintiffs' arguments to the contrary are based largely on two cherry-picked outlier cases. *See* Pls.' Mem. 2-3. They also take issue with one of Magistrate Judge Figueredo's examples of overbilling. *See id.* at 6; *see also* R&R 20-21. But Plaintiffs do not demonstrate that Magistrate Judge Figueredo's judgment on that score was erroneous and, in any event, they do not even challenge the other bases for her conclusions about overbilling. *See* R&R 19-20.

Accordingly, Magistrate Judge Figueredo's R&R is ADOPTED in full, and Plaintiffs are awarded a total of \$52,975.26 in attorney's fees and \$505.86 in costs (for a total of \$53,481.12), plus post-judgment interest. The Clerk of Court is directed to terminate ECF No. 20; to enter judgment consistent with this Memorandum Opinion and Order; and to close the case.

SO ORDERED.

Dated: September 16, 2024
New York, New York

A handwritten signature in black ink, appearing to read 'Jesse M. Furman', is written over a horizontal line.

JESSE M. FURMAN
United States District Judge